

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-20152-KMM

UNITED STATES OF AMERICA,

v.

ELIZABETH HERNANDEZ,

Defendant.

/

STATUS REPORT REGARDING SPEEDY TRIAL

Pursuant to Southern District of Florida Local Rule 88.5 (“Rule 88.5”) and the Court’s Scheduling Orders (D.E. 23, 25, and 49), the United States of America submits the following Status Report Regarding Speedy Trial:

1. On April 14, 2022, Defendant Elizabeth Hernandez (“Defendant”) was indicted on charges of Conspiracy to Commit Health Care Fraud and Wire Fraud, in violation of Title 18, United States Code, Section 1349; Health Care Fraud, in violation of Title 18, United States Code, Section 1347; and False Statements Relating to Health Care Matters, in violation of Title 18, United States Code, Section 1035. [D.E. 3.]
2. On April 19, 2022, Defendant’s initial appearance was held before Magistrate Judge Chris M. McAliley. [D.E. 6.] Defendant’s arraignment was set for May 4, 2022. *Id.*
3. On May 4, 2022, Defendant appeared before Magistrate Judge Alicia M. Otazo-Reyes and requested additional time to retain permanent counsel. [D.E. 12.] Defendant’s arraignment was reset for May 25, 2022. *Id.*
4. Defendant then filed a motion to continue her arraignment, which was granted. [D.E. 13 and 15.] The arraignment was reset for May 31, 2022. [D.E. 15.]

5. On May 31, 2022, United States Magistrate Judge Lauren Fleischer Louis conducted the Defendant's arraignment. [D.E. 21.]

6. On June 2, 2022, the Court entered a Scheduling Order setting Defendant's trial for the two-week trial period commencing on July 18, 2022. [D.E. 23.]

7. On June 8, 2022, the parties filed a Joint Motion to Continue Trial Date. [D.E. 25.]

8. The Court granted the motion in part, continuing the trial date to the two-week trial period commencing on October 24, 2022. [D.E. 25.] The Court found that "the period of delay resulting from this continuance, to wit, the date of the originally scheduled trial on July 18, 2022 up to and including the date of the rescheduled trial on October 24, 2022, shall be deemed excludable time in accordance with the provisions of the Speedy Trial Act." *Id.*

9. On September 12, 2022, the parties filed a Second Joint Motion to Continue Trial Date. [D.E. 47.]

10. The Court granted the motion, continuing the trial date to the two-week trial period commencing on January 30, 2023. [D.E. 49.] The Court found that "the period of delay resulting from this continuance, to wit: September 13, 2022, to and including the date of the rescheduled calendar call, shall be deemed excludable time in accordance with the provisions of the Speedy Trial Act." *Id.*

11. "The Speedy Trial Act requires that criminal defendants be tried within seventy days of the later of indictment or arraignment." *United States v. Young*, 528 F.3d 1294, 1295 (11th Cir. 2008) (citing 18 U.S.C. § 3161(c)(1)). The Speedy Trial Act also provides that when computing the time within when trial must commence, "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion" shall be excluded. 18 U.S.C. § 3161(h)(1)(D).

12. Here, Defendant's speedy trial clock began to run on May 31, 2022, the date of Defendant's arraignment. Pursuant to the Court's orders granting the parties' motions to continue the trial date, the period from July 18, 2022 through the date of the rescheduled calendar call on January 26, 2023 is deemed excludable time under the Speedy Trial Act. Additionally, June 8, 9, 21, and 22 are excluded from the Speedy Trial time computation due to pretrials motions that were pending on those dates. *See* D.E. 24, 25, 29, and 30. Accordingly, 43 days of Speedy Trial time have elapsed thus far.

13. The Government conferred with counsel for the Defendant, who indicated that they have no objection to this report.

WHEREFORE, the Government respectfully submits this status report regarding Speedy Trial.

Dated: December 6, 2022

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

GLENN S. LEON, CHIEF
U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION, FRAUD SECTION

By: /s/ Andrea Savdie
ANDREA SAVDIE
Trial Attorney
FL Special Bar No. A5502799
U.S. Department of Justice
Criminal Division, Fraud Section
12200 Miramar Parkway
Miramar, Florida 33025
Phone: (202) 262-6453
Andrea.Savdie@usdoj.gov